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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,063	12/22/2000	Timothy A. Best	ST9-99-186	1655

7590 03/04/2008

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EXAMINER	
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ART UNIT	PAPER NUMBER
2173	
MAIL DATE	DELIVERY MODE
03/04/2008	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/747,063
Filing Date: December 22, 2000
Appellant(s): BEST ET AL.

Nataliya Dvorson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/13/07 appealing from the Office action mailed 2/9/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

The rejection of claims 57-60 under 35 U.S.C. 112, first paragraph has been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 52 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not properly convey, "***at least two of the plurality of applets do not inherit functions from the same base class***".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48 and 51, 52, 54-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 98/43170 (Banthia).

Referring to claims 1 and 29, Banthia discloses a method of executing applets,

by receiving user selection of a plurality of applets and generating separate windows within a main applet for each of the selected applet (page 8, lines 25-37). Banthia discloses that the main applet executes each applet in a separate window (page 8, lines 30-33). Banthia discloses that each selected applet is displayed in the separate window under the main applet (page 8, lines 35-45), where each separate window is controlled under the main applet. Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia clearly discloses that a main applet exists but does not disclose that a window is displayed for the applet. Banthia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claims 2, 16 and 30, Banthia discloses that one applet may be selected multiple times (page 4, lines 7-10), wherein continuous updating of one applet involves selection of that applet multiple times.

Referring to claims 3, 4, 17, 18, 31 and 32, Banthia discloses enabling each window to be resized and repositioned (page 4, lines 14-17).

Referring to claims 9, 23 and 37, Banthia discloses enabling windows to be tiled (Figure 5).

Referring to claims 10, 24 and 38, Banthia discloses loading the main applet into a browser window (page 5, lines 19-32).

Referring to claims 11, 25 and 39, Banthia discloses loading the main applet into a Java application, wherein the main applet is a webtop applet (page 2, lines 30-36).

Referring to claims 12, 26, 40 and 53, Banthia discloses executing the main applet to display within the displayed main applet a list of available applets from which users can select applets (page 5, lines 23-32 and Figure 5).

Referring to claims 14, 28 and 42, Banthia discloses that separate windows are generated for applets selected from a toolbar (Figure 5).

Referring to claim 15, Banthia discloses an apparatus for executing applets with a client computer having data stored (page 3, lines 31-38). Banthia also discloses a server computer having data store coupled to and connected to the client computer via a network (Figure 1). Banthia also discloses one or more computer programs, performed by the computers for receiving user selection of a plurality of applets, generating separate windows within a main applet for each of the selected applets and the main applet executing each applet in a separate window (page 8, lines 25-37). Banthia discloses that each selected applet is displayed in the separate window under the main applet (page 8, lines 35-45), where each separate window is controlled under the main applet. Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective

applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia clearly discloses that a main applet exists but does not disclose that a window is displayed for the applet. Banthia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claim 46, Banthia discloses a method of executing applets by opening a main applet to display a list of applets (Figure 5, page 3, lines 34-38 and page 4, lines 1-2). Banthia discloses a user selecting from the list at least two applets, transmitting the user selection of the at least two applets to the main applet (page 8, lines 25-37). Banthia discloses generating a separate window within the main applet for each selected applet and the main applet executing each of the selected applets in the separate window (page 8, lines 25-38). Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the

invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claims 47 and 48, Banthia discloses that the main applet is an applet web top viewer, wherein the plurality of applets is positioned within a single page of the web top viewer (Figure 5).

Referring to claim 51, Banthia discloses that plurality of applets is positioned within a single fixed space window (Figure 5).

Referring to claims 52, Banthia discloses that the plurality of applets are independent of each other as displayed in Figure 3 with each applet being distinct and independent of each other and at least two of the applets do not inherit functions from the same base class (Figure 3), where "Packet Distribution Applet" inherits from "Pie Chart Applet" and "Packet Rates Display Applet" inherits from "Bar Chart Applet".

Referring to claim 54, Banthia discloses receiving at substantially the same time the user selection of the plurality of applets (page 8, lines 25-35).

Referring to claim 55, Banthia discloses that the main applet generates separate windows for the selected applets wherein the separate windows for the selected applets are displayed within a displayed window of the main applet (Figure 5). The window of the main applet is represented as the web browser window or web page to which the main controller applet is loaded with. The applet would clearly have to be loaded along

with a browser window in order for it to completely function as per the description of applets by Banthia (page 2, lines 25-29). Banthia has disclosed that the main browser window and the controlling applet are responsible for controlling the display applets, wherein clearly the main browser window would be the window of the main applet. See page 4, lines 1-10.

Referring to claim 56, Banthia discloses that all of the windows for the selected applets are generated within display space in which the main applet is displayed, where it would have been obvious with Banthia displaying the applet frames within one main display space and the use of a main applet with display parameters that may be adjusted to display the main applet in a window space with the applets in the window within the main applet (Figure 5).

Referring to claim 57, Banthia discloses a method of executing applets by loading a main applet, dynamically selecting a plurality of applets for display and loading the dynamically selected plurality of applets into the main applet (page 3, lines 31-page 4, lines 1-2). Banthia discloses that the applets are selected from a list naming the plurality of applets displayed in the main applet (Figure 5 and page 4, lines 1-10). Figure 5 displays a listing of a number of display applets controlled by the main applet, which in turn is associated with the web browser that is displaying the list. Banthia further teaches a situation under which at substantially the same time, selection comprising a plurality of applets is sent to the server (page 3, lines 11-20). Banthia discloses generating separate windows for each loaded applet and displaying and executing each loaded applet in a separate window within the main applet (page 8, lines

25-35). The controlling applet is responsible for controlling all display applets, where all functionality including loading, initialization and execution is carried out within this controlling or main applet. Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia also discloses that the plurality of available applets displayed in the list have not clearly be uploaded, where the additional data must be added and further redisplayed and loaded for execution (page 7, lines 7-10). Banthia discloses the existence of a main applet, which is responsible for displaying a list of the plurality of available applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claim 58, Banthia discloses that the main applet is a platform for running any applet (page 5, lines 25-30).

Referring to claim 60, Banthia discloses dynamically loading and removing applets from the main applets with the at least two of the applets being obtained from different computers, where the applets are obtained from a server, through the Internet to the client computer (page 7, lines 7-18) and are displayed in the window applet to which the

information is added inside the displayed main applet at the same time (page 7, lines 1-25).

Claims 5-8, 19-22, 33-36 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and U. S. Patent No. 5,561,757 (Southgate).

Referring to claims 5-8, 19-22 and 33-36, Banthia does not disclose minimizing, maximizing, overlapping and cascading of windows. Southgate discloses allowing windows to be minimized and maximized (column 1, line 59-60), overlapping of windows (column 2, lines 10-11) and cascading (column 3, lines 5-6). It would have been obvious for one skilled in the art at the time of the invention to learn from Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement basic manipulation techniques for the layout of the windows.

Referring to claim 59, Banthia discloses that the main applet is a platform for dynamically running independent applets (page 4, lines 5-10). Banthia does not disclose that the windows of the independent applets are resizable. Southgate discloses allowing windows to be resized (column 1, line 59-60). It would have been obvious for one skilled in the art at the time of the invention to learn from Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable

to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement resizing of the windows.

Claims 13, 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and "The Swing Tool Set" article.

Referring to claims 13, 27 and 41, Banthia does not disclose using a JInternal frame window to represent the applet windows. "The Swing Tool Set" article discloses a means for using JInternal frames, wherein these components would be used to represent objects, such as windows in desktop environments (page 10, row 4), much like the desktop environments of Banthia. It would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the window representation of the applets through a JInternal frame component. JInternal frame components are obviously used to represent objects within a desktop environment, much like the ones used in Banthia. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the applets such as they are represented through JInternal frame windows.

(10) Response to Argument

Applicant argues that the specification discloses that at least two of the plurality of applets do not inherit functions from the same base class. The identification of applets as being of various types is not sufficient disclosure that these applets do not inherit functions from the same base class. Two applets can be different kinds carrying out different functionalities while inherited from the same base class. Through the

inheritance step, basic characteristics associated with the applets are in common while these applets can go on to contain further customized characteristics that are specific to each applet. A base class provides basic functionality with further specified classes identifying specific functionalities associated with different types of applets. These customized characteristics of the applets can identify two separate kinds of applets. Therefore, it would not have been obvious to one of ordinary skill in the art to understand from the present specification that at least two of the plurality of applets do not inherit functions from the same base class. One of ordinary skill in the art upon reading the disclosure concerning the applets would not understand that these applets clearly do not inherit functions from the same base class.

Applicant argues that there is no motivation in Banthia to display the controlling applet and display each selected applet inside the main applet. The display in Figure 5 discloses multiple applets that are all generated separately within a larger browser display window. Although this display window is not described as a main applet in Banthia, the display would suggest that a main display window is used within which the separate applets are displayed. Furthermore, Banthia discloses a controlling applet which is associated with all the applets displayed in Figure 5. Banthia also provides distinct parameters associated with a length and width which can be manipulated to display the controlling applet. Banthia has specifically provided an example where the controlling applet has a width and length of zero which leads to the controlling applet being hidden. But the disclosure of these parameters would suggest to one skilled in the art that these parameters can be changed to generate a display of the controlling

applet. The parameters having been clearly provided would suggest to one of ordinary skill in the art that these parameters can be changed to display the controlling applet. It would have been obvious to one skilled in the art that just as the separate applets have their own width and length parameters, the application of different width and length parameters for the controlling applet would generate a display of the controlling applet. The display in Figure 5 also suggests to one of ordinary skill in the art that a larger main window display is used to display the separate applets within this larger window display. In view of the already established relationship between the controlling applet and the separate applets, displaying the controlling applet with the separate applets displayed within this main controlling applet would have been an obvious to one skilled in the art at the time of the invention.

Applicant argues that Banthia does not disclose dynamically selecting a plurality of applets from a displayed list of the plurality of applets that are displayed in the main applet, the plurality of applets displayed in the list are not yet loaded for execution. The applets with the newly updated information represent the list of available applets. The list of applets in Figure 5 are displayed for selection but these applets with its newly updated information is not uploaded yet for execution. Upon detection of new information, these applets are automatically accessed or selected and these applets are then loaded to be presented to the user through the main display in Figure 5. Therefore, there is a list of already displayed plurality of applets, with these same applets not yet being loaded for execution with the newly updated information. The list of applets identify these applets and may be uploaded in the Figure 5, but the newly

updated version of these same applets have not yet been loaded for execution. The updated version of the applets are dynamically selected based on the applets that are displayed in the list of Figure 5.

Applicant argues that Banthia does not disclose loading the main applet into a Java application, the main applet is a webtop applet. Banthia's applets are described as Java based where Banthia has disclosed that machine independent executable instructions can be loaded onto a Java enabled Web browser. This describes a Java applet that is loaded onto a Web browser which reads on a webtop applet.

Applicant argues that Banthia does not disclose each applet inherits from a different base class. A base class is interpreted as any parent class from which a derived class inherits from. In Figure 3, the base classes include applet class, controlling applet, pie chart applet, bar chart applet and line graph applet which are all parent classes from which the applets of Figure 5 are derived from. As shown in Figure 3, each applet does inherit from a different base class where "Packet Distribution Display Applet" inherits from pie chart applet while "Packet Rates Display Applet" inherits from bar chart applet.

Applet argues that Banthia does not disclose receiving user selection of the plurality of applets at substantially same time. Banthia discloses that each of the applets can be selected in order to display the applet in a distinct format. The process allows for the user to select each applet within a reasonable period of time between selections. Tearing off the applet involves selection of the applet. Therefore, Banthia discloses receiving user selection of the plurality of applets at substantially same time.

Applicant argues that Banthia does not disclose the applets are obtained from different computers. Figure 1 of Banthia discloses the system through which data is transmitted including the applets. This system involves the Internet network and server computers which involve multiple computers. Accessing the web based data including the applets are obtained from different computers through the Internet network and server computers. The client requesting the web data with the applets would be obtaining these applets from different computers separate from the client's computer.

Applicant argues that the combination of Banthia and Swing Tool Set (STS) is not proper. Frame data as disclosed in STS are displayed in web browsers and applets can be disclosed within these frames. The frames used in Web browsers display applets. As disclosed in the arguments, Applicants also disclose that types of frames are used to display applets. The JInternalFrame is one type of such a frame that can be used to display applets, where the JInternalFrame is based on Java data which is also associated with applets. This Java based component would be an obvious choice to one skilled in the art to display applets over frames such as IFRAME and HTML frame. The use of frames to display applets is known where in addition to that an option which involves Java component would an obvious choice when displaying Java based applets.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Namitha Pillai/

Examiner, Art Unit 2173

Namitha Pillai
Patent Examiner
Art Unit 2173
February 19, 2008

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